

August 1, 2023

Tara Narwani
Director, Policy and Legislation
Environmental Assessment Office
2nd Floor, 836 Yates St
Victoria BC V8W 9V1
via email: EAO.DisputeResolution@gov.bc.ca

Dear Ms. Narwani:

Re: CAPP Comments on Environmental Assessment Office's Dispute Resolution Regulation Discussion Paper

The Canadian Association of Petroleum Producers (CAPP) appreciates the opportunity to provide input to the Environmental Assessment Office (EAO) as the Government of British Columbia continues to develop the Dispute Resolution Regulation (the Regulation). It is a commendable step towards promoting transparency, accountability, and fostering constructive dialogue between stakeholders. Upon reviewing the EAO's Discussion Resolution Regulation Paper and attending the facilitated virtual workshops for industry associations in July, we have identified certain aspects that warrant consideration in the development of the Regulation.

One of the key areas that require attention is the transparency and fairness of the dispute resolution process. Through the Environmental Assessment process, multiple opportunities exist to initiate a dispute resolution, which impact procedural fairness, it is important to strike a balance between a thorough examination of concerns and expeditious decision-making to avoid uncertainty. It is essential to ensure that project proponents are aware of when a dispute resolution process has been initiated and are provided opportunities to participate and share their perspectives, if desired.

Similarly, the efficiency and effectiveness of the dispute resolution mechanism are important principles for guiding the Regulation. Timeliness in resolving disputes is important to prevent unnecessary delays and is essential to maintain predictability of the assessment process. We support time limits be included in the Regulation for the multiple steps involved in the dispute resolution process.

CAPP endorses the principles of UNDRIP as an important framework for reconciliation and recognizes the importance of EAO's inclusion of a co-developed dispute resolution process. As the above, the co-development process should be subject to a time limit, after which the facilitator should have the responsibility to either proceed with or conclude the dispute resolution process.

CAPP would like to emphasize the importance of independent and impartial mediators or arbitrators involved in the dispute resolution process. Their expertise and neutrality can contribute to fair and unbiased outcomes that are acceptable to all parties involved. Ensuring that the mediators possess the necessary knowledge and experience in environmental assessment and project deliverables is essential.

Lastly, we request the EAO continue to actively engage with stakeholders and solicit for input on the Regulation, once drafted. Involving the voices of those directly affected by the regulation will aid in identifying potential shortcomings and developing robust mechanisms that align with the diverse needs and concerns of all involved.

Thank you for your attention to this matter. Please reach out to me at krista.phillips@capp.ca or (403) 797-2732 with any questions or comments. I look forward to further engagement with the EAO on the Regulation and any accompanying policy.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Krista Phillips', with a large, stylized flourish at the end.

Krista Phillips
Manager, Land and Biodiversity